

DEPARTMENT OF TELECOMMUNICATIONS  
COMMONWEALTH OF MASSACHUSETTS

)  
Investigation by the Department of )  
Telecommunications and Energy on its )  
own motion pursuant to G.L. c. 159, ) D.T.E. 01-34  
 §§ 12 and 16, into Verizon New England Inc. )  
d/b/a Verizon Massachusetts' provision of )  
Special Access Services )  
)  
)

PETITION OF CABLE & WIRELESS USA, INC. TO INTERVENE

Pursuant to 220 CMR §1.03, Cable & Wireless USA, Inc. ("Cable & Wireless") hereby petitions for leave to intervene as a party in this docket. In support of its petition, Cable & Wireless states as follows:

1. Cable & Wireless is a leading provider of voice, data and Internet services, providing service in the Commonwealth of Massachusetts. A significant portion of Cable & Wireless' customers, in fact, are located within the local telephone service areas of Verizon's predecessors, the Bell Atlantic and NYNEX telephone companies. Cable & Wireless' principal place of business is 8219 Leesburg Pike, Vienna, Virginia.
2. Cable & Wireless' focus for future growth is on Internet Protocol ("IP") and data services and solutions for business customers. In support of this strategy, Cable & Wireless is developing advanced IP networks and value-added services. With the capability of its global IP infrastructure and its strength in key markets, Cable & Wireless has emerged as one of the top global IP providers to business customers, and one of the largest and fastest Internet backbone carriers in the world.
3. Cable & Wireless relies upon Verizon-MA for special access services. In order for Cable & Wireless to provide service to its customers, it must obtain a connection between its point of presence in a LATA and the customer's premises. In Massachusetts, Cable & Wireless orders special access services out of Verizon's interstate access tariffs. Such service typically includes the provision by Verizon of a high-capacity loop (e.g., DS1, DS3) and interoffice transport. Although Cable & Wireless uses alternative providers when available, Verizon continues to maintain overwhelming control over the access market (Verizon and other incumbent LECs are

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the dominant providers of special access services, providing well over eighty percent of the special access market nationwide). Cable & Wireless is therefore critically dependent on Verizon for its ability to serve customers in a timely and reliable manner.

4. Cable & Wireless has a substantial and specific interest in this proceeding, in that it is affected by Verizon-MA's unreasonable and unlawful special access provisioning and as a result will be specifically and substantially affected by the instant proceeding.

5. Cable & Wireless contends that Verizon-MA fails to provision and otherwise provide special access services in a reasonable and lawful manner. Cable & Wireless urges the DTE to take action to improve Verizon-MA's performance and ensure that the extended delays that carriers are now facing will not be used to the competitive advantage of Verizon's Section 272 affiliate. These actions should include, among others, the imposition of reporting requirements for special access performance, the creation of a performance assurance plan for special access, and the ordering of a performance improvement schedule. Cable & Wireless proposes to present evidence to support these contentions, including evidence of Verizon-MA's unreasonable and unlawful performance to date.

CONCLUSION

For the forgoing reasons, Cable & Wireless respectfully requests that the Department grant it the right to intervene in this proceeding.

Respectfully submitted,

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Counsel for Cable & Wireless USA, Inc.

Dated: March 27, 2001

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2001, copies of the foregoing PETITION TO INTERVENE and MOTION TO APPEAR PRO HAC VICE were sent to the Department via e-mail and overnight mail.

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Michelle Arbaugh